

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1-10 and 17-25. Claims 1, 17-19 and 21-25 are amended herein. No new matter is presented. Claims 11-16 remain cancelled.

Thus, claims 1-10 and 17-25 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. §101:

Claim 25 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 25 is amended herein.

In particular, claim 25 recites, "transmitting said pictures according to a rank defined prior to said search request which indicates an order in which said pictures are to be sent regardless of said arrangement positions and displaying said pictures based on said sorting as the result during an online shopping."

Accordingly, a concrete, tangible and useful result is achieved not only by "sorting pictures of articles matching a search request prior to providing a result in response to the search request" but also by "transmitting said pictures according to a rank defining an order in which said pictures are to be sent regardless of said arrangement positions" so that the user is provided with a display of pictures where "pictures of articles having similar features are positioned adjacent to each other." (see, State Street Bank & Trust Co. v. Signature Financial Group Inc., 47 U.S.P.Q.2d 1596 (Fed. Cir. 1998)).

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112:

Claims 1-10, 17-22 and 25 were rejected under 35 U.S.C. § 112¶2. Pertinent claims are amended herein.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1-10 and 17-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application 2002/0002502 (Maes) and U.S. Patent Publication No. 2003/0061211 (Shultz).

Independent claims 1, by way of example, recites "calculating similarity among a plurality of search resultant article pictures" and "generating article picture arrangement data of all search resultant article pictures in which the more similar features of the search resultant article pictures are to each other, the more closely the search resultant article pictures are disposed on a two-dimensional plane."

Claim 1 also recites, "article **picture arrangement data indicating arrangement positions** of said search resultant article pictures on a screen... and being independent of the **data sending rank defining an order in which said search resultant article pictures are to be sent**" (emphasis added). As such, the claimed method of claim 1 includes sending the pictures in the data sending rank "defined prior to said article search" and displaying each search resultant article picture "at each arrangement position in accordance with the article picture arrangement data as initial search results in a receiving order, thereby displaying an article picture with a higher data sending rank earlier at the arrangement position." Claims 17 and 19 recite similar features.

Similarly, claim 21 recites, "data sending rank defining an order in which said search resultant article pictures are to be sent [that is] independent of the article picture arrangement data indicating arrangement positions of said search resultant article pictures on a screen of the user terminal." The invention of claim 21 also includes, "successively displaying each search resultant article picture as initial search results... based on the article picture arrangement data upon transmission in accordance with the data sending rank defined prior to said article search", where "similarity among search resultant article pictures is calculated." Claim 22 recites similar features.

Claim 23 recites, "sorting search resultant images of articles retrieved in response to an article search request by calculating similarity among the search resultant images", where the sorting indicates "arrangement positions of said search resultant images on a display screen." Claim 23 further recites that the articles having similar features are displayed "as a unified group based on said sorting and transmitted based on a rank defined prior to said search request which indicates an order in which said search resultant images are to be sent independent of said sorting."

Claim 24 recites, "assigning display positions to article images by calculating similarity of articles shown in said article images and based on inputs of the providers, said display positions being indicative of an order for displaying said article images", where articles having similar

features are "positioned in adjacent positions and said display positions are independent of a sending order of the article images defined prior to said search request and indicating a rank in which said article images are to be sent."

As mentioned above, claim 25 also recites, "sorting pictures of articles matching a search request prior to providing a result in response to the search request, said sorting being indicative of arrangement positions for displaying said pictures on a screen by calculating similarity among pictures matching said search request", "transmitting said pictures according to a rank defined prior to said search request which indicates an order in which said pictures are to be sent regardless of said arrangement positions and displaying said pictures."

In contrast, products in Maes are defined by measurable attributes that are assigned values such as integral numbers, real numbers, boolean values and string values (see, paragraphs 48 and 49). Accordingly, all products having a measurable attribute PRODUCT TYPE as BOOK, are displayed to a user who is inquiring about a book (see also, paragraph 49). That is, Maes simply displays comprehensive information of products meeting a particular value specified by the user and requires the user to browse through the results provided as the initial result (see also, paragraphs 113-116).

Shultz discusses sorting matching information based on specific sorting criteria such as order of importance, relevance or hierarchy of the information retrieved from database (133)(see, paragraph 60). As shown in Fig. 2, Shultz presents businesses close to the user-identified location, corresponding advertising information and business information ((see also, paragraph 49 and corresponding text of Fig. 2). As such, Shultz is directed to assigning relevance to search results by limiting the search results to user-specified geographic criteria and displaying the results based on relevancy of the criteria (i.e., without taking into account the similarity between the products presented).

Starting on page 5, line 7 of the outstanding Office Action, the Examiner indicates that paragraphs 51, 52 and 59 of Maes discloses generating arrangement data and describes the arrangement data as being independent of the data sending rank. However, neither Maes nor Shultz teach or suggest "calculating similarity among search resultant article pictures" and "generating arrangement data so that similar article pictures are displayed more closely in accordance with the similarity obtained as a result of the calculation", as recited in the independent claims.

In addition, Maes and Shultz do not teach or suggest indicating "arrangement positions"

of article pictures on a screen of the user terminal that is "independent of the data sending rank that defines "an order in which the article pictures are to be sent" (see above discussion of claims).

It is submitted that the independent claims are patentable over Maes and Shultz.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Maes and Shultz. The dependent claims are also independently patentable. Claim 6, for example, recites, "a screen of article search results is presented to an article provider" and the article provider "specifies a picture of an article which the article provider provides on the presented screen of article search results" (see also, claim 10 that recites similar features).

Maes and Shultz, alone or in combination, do not teach or suggest the above-identified features claims 6 and 10.

Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 05/29/2007

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